Make the Wise Choice

Legalwise

February 2019

Accounting CPD Program

Trusts Essentials

Estate Planning

Employment Taxes and Financial Obligations

TRUSTS ESSENTIALS

4TH ANNUAL

WEDNESDAY, 13 FEBRUARY 2019
9.00AM TO 5.15PM

$695
192AV01

A client will expect much when they turn to you for advice on trusts. Are you caught up on game changing CGT concession changes and the ATO's latest rulings? Are you across the types of trust structuring and asset protection strategies that will keep your clients coming back while referring you to others? Do you have the cutting edge strategies necessary to flawlessly handle complex issues related to discretionary trusts, distributions, trust loss provisions, vesting, winding up a trust and more? Gain an edge on your competitors with practical, real world guidance into each of these critical areas.

Chair: **Roelof Van Der Merwe**, National Tax Director, Nexia ANZ

OPENING ADDRESS

The Latest ATO Rulings and Developments in Trusts and the Impact on Your Clients

Explore the latest developments in trusts and how they'll impact your practice, including:

- Recent case law and the implications
- ATO rulings and areas that are likely to attract the ATO's attention

Presented by **Angela Lee**, Barrister, Greens List

PERFECTING TRUST STRUCTURES AND ASSET PROTECTION

Choosing the Right Trust Structure: Business vs Investment

The rules surrounding trusts can be extraordinarily complex which in turn can make it difficult when advising clients on how to best structure their affairs.

- The various trust structures that exist and related strategies
- The opportunities and pitfalls that exist with various trust structures and what you need to be aware of when advising clients
- The application of various small business concessions within the different trust structures
- Restructuring opportunities that exist within a trust

Presented by **Craig De Vries**, Director, Business Services, Hall Chadwick

Significant Changes to Small Business CGT Concessions: Application of Integrity Measures and What it Means for You

Accessing the small business CGT concessions and understanding these complex rules remains a challenge. Examine the recent amendments (integrity measures) to the CGT small business concessions that apply from 1 July 2017. These new rules add an extra layer of complexity to the rules.

- Analysis of the key fundamentals of the small business CGT concessions
- Amendments to the small business CGT concessions (integrity measures)

Presented by **George Kolliou**, Director, AG Tax Lawyers; CTA

Should a Trust Own the Family Home? What to Advise Your Clients

- How to access the CGT main residence exemption
- Necessary legal, tax and practical requirements
- Duty and land tax implications and exemptions
- Differences between the Australian jurisdictions

Presented by **Clifford Hughes**, Principal, Clifford Hughes & Associates; Accredited Specialist in Tax Law and Business Law; CTA

Using Trusts for Asset Protection: The Strategies Your Clients Need and Expect

- Avoiding duty and land tax traps
- Dealing with problems of common appointor rules
- Traps with common constitutions you may encounter
- Corporations law intervention
- Testamentary vs inter vivos trusts: what you need to know
- Understanding tax residence and streaming
- Managing control
- Splitting and cloning

Presented by **Paul Hockridge**, Head of Tax Advisory, Mutual Trust

PRACTICAL TRUST STRATEGIES

Chair: **Paul Goldin**, Principal, Vectical Legal; CTA

When the Fighting Starts: How Does the Family Court Treat Discretionary Trusts?

- When are the assets of a discretionary trust vulnerable to a property settlement claim under the *Family Law Act*?
- How the Family Court treats discretionary trusts and testamentary trusts differently
- The role of Financial Agreements (shield or sword)
- How to limit the inclusion of assets of a discretionary trust in a family law property settlement
- Latest cases as to the treatment of discretionary trusts by the Family Court

Presented by **Wendy Sylva**, Partner, Kenna Teasdale Lawyers; Preeminent Family & Divorce Lawyer, *Doyle's Guide* 2018

Practical Trust Distribution Strategies and What the ATO is Cracking Down on

- Evidencing trust distributions prior to 30 June
- Review of the trust deed
- Section 100A reimbursement agreements
- Specific entitlement
- Management of UPEs

Presented by **Philip Diviny**, Consulting Principal, Keypoint Law

Trust Loss Provisions and Family Trust Elections: The Consequences for You and Your Clients

- Losses and franking credits: the need for an FTE
- What are the implications of making a family trust election?
- FTEs and non-resident trusts: Is there a need? What are the practical implications?
- Complexities that arise with FTEs and IEEs in larger family groups with trusts
- Discretionary trusts vs 'fixed' trusts: What is the relevance of the distinction?
- Passing on the family baton: Can you revoke or alter an FTE or an IEE?

Presented by **Raffi Tenenbaum**, Tax Partner, KPMG Enterprise; CTA

Trust Vesting: Problems, Risks and Solutions

- Capital gains tax implications of vesting
- Present entitlement to income pre and post vesting
- How to extend the vesting date
- What to do once the vesting date has passed

Presented by **Mia Clarebrough**, Barrister, Young's List

> *"These are the type of presenters and presentations that I treasure"*

> *"Really positive and I liked the interaction with speakers and attendees"*

ATTEND THE FULL DAY AND EARN 7 CPD HOURS/UNITS

ESTATE PLANNING CONFERENCE

4TH ANNUAL

THURSDAY, 14 FEBRUARY 2019
9.00AM TO 5.15PM

$695
192AV02

It's an age old idiom that nothing is certain in life but death and taxes, and in the complex world of estate planning the two go hand in hand. Unlock the latest estate planning strategies dealing with a rapidly involving superannuation landscape, and deftly managing Division 7A issues and testamentary trusts. This diverse panel of experts will guide you to the results your clients expect in each of these areas and more, including dealing with blended families, foreign clients and assets, small businesses, aged care issues, and executor risks.

Chair: **Kathy Wilson**, Principal Lawyer, Aitken Partners; TEP; Accredited Specialist in Wills & Estates; Accredited Mediator

SOPHISTICATED TAX AND ESTATE PLANNING STRATEGIES

Use and Misuse of Testamentary Trusts in Estate Planning: Staying on Track

- Benefits of using testamentary trusts
- When to use testamentary trusts: rules of thumb
- Optional vs mandatory trusts
- Structuring/flexibility issues
- Choice of trustee/appointor
- Estate planning to maximise a testamentary trust

Presented by **Daniel Kelliher**, Wills & Estates Specialist, Eastern Bridge Lawyers; Chair of STEP VIC

Superannuation: Successfully Navigating Estate Planning and Death Benefit Disputes

There are many aspects of super that are still widely misunderstood that have the potential to disrupt estate plans. Take this time to review mistakes and misunderstandings to avoid when assisting clients including:

- Payment of death benefits including TBC and reserve issues
- Financial dependents and adult beneficiaries
- Binding death benefit nominations and reversionary pensions
- Strategies for managing control of fund issues
- Trustee obligations on a dispute and steps to minimise the risk of death benefit disputes

Presented by **Rebecca van Langenberg**, Special Counsel, Madgwicks Lawyers

Dealing with Division 7A Loans in Estate Planning: New Strategies for the New Changes

Many SME clients have private companies and family trusts that can raise complex tax issues.

- Developing an estate plan to deal with shareholder loans and unpaid present entitlements
- Dealing with Division 7A loan repayment obligations after death
- Managing unpaid trust entitlements
- Debt forgiveness tax traps

Presented by **Damian O'Connor**, Managing Principal, Tax + Law; CTA

Managing Global Assets and/or Foreign Residents in Estate and Succession Planning

- Cross border succession law issues including conflict of laws
- Cross border estate and structure planning options including whether to have one global Will or separate Wills
- Australian tax issues: what to advise your clients
- Foreign estate tax issues including the US and UK
- The impact of the Common Reporting Standard

Presented by **James Whiley**, Special Counsel, Hall & Wilcox

Practical Estate Planning Strategies for Blended Families

- Blended families often mean competing agendas for the parents
  - Financial security for a surviving spouse
  - Financial provision for children and grandchildren
  - Avoiding wealth passing to stepchildren
- Housing benefits for surviving spouses
  - Right of occupation of current home
  - Funding substitute accommodation and refundable accommodation deposits
- Income benefits for surviving spouses
  - Reversionary or death benefits superannuation pension
  - Life interest created by Will
- Benefits for children and grandchildren
  - Remainder benefits post death of surviving spouse
  - Division of wealth on death: income tax considerations
  - Education trusts
- Control of funds post death

Presented by **Allan Swan**, Director, Estate Planning Equation; CTA

ADVANCED ESTATE PLANNING TECHNIQUES

Should You be the Executor of Your Client?

Examine practical matters and suggested solutions to allow you to make the best decision when considering whether to be your client's executor.

- Appointment of executor in a Will
- Role and responsibility of an executor
- Checklist of major estate issues to consider
- Who is liable if it goes wrong?

Presented by **Philip MacIsaac**, Partner, Walker Wayland Advantage

Death Care and Funeral Rituals: The Law and Numbers in Life and Beyond

- The role of executor and rights of beneficiaries
- Intersection of culture and funeral obligations in case law
- Control of the body: practical understanding of who can make decisions
- Trusts to maintain graves: ongoing care beyond death
- Payment of expenses: what is out and in

Presented by **Anna Hacker**, National Manager – Estate Planning, Australian Unity Trustees

Age Care and Estate Planning

- Key differences and considerations regarding clients entering aged care with estate plans vs without estate plans
- Importance of having an estate plan before a crisis and what you need to plan for your clients
- Practical case studies and the key lessons for your practice from each

Presented by **Megan Penno**, Estate Planning Lawyer, Australian Executor Trustee

Estate Planning and Incapacity: What Accountants Need to Know

Incapacity is becoming a real issue for professional advisors. It often involves working with their clients on this sensitive issue and/or working with their client's family members when someone is incapable.

- How to identify incapacity or the onset of incapacity.
- Acting for clients when the client is incapable (who you can receive instructions from, notice requirements, what transactions should be approved and by whom)
- When incapacity can derail estate planning
- Alternative options when a client is incapable (such as VCAT)
- Tips and tricks for preventing risk

Presented by **Jennifer Maher**, Principal Lawyer, KCL Law

EMPLOYMENT TAXES AND FINANCIAL OBLIGATIONS CONFERENCE

INAUGURAL

FRIDAY, 15 FEBRUARY 2019
9.00AM TO 5.15PM

$695
192AV03

With a rise in audits by the ATO and revenue authorities and increasingly serious consequences for non-compliance, it's crucial that you stay up to date with the latest legislative changes to employment taxes and financial obligations. Ensure efficient and effective compliance and minimise risk and costs by examining an extensive range of the most important employment, tax and financial obligation challenges impacting your day to day practice. Gain the tools you need to manage these issues and reach optimised solutions that will improve your practice and give you the results that your organisation or your clients demand.

Chair: **Steve Batrouney**, Partner, Employment Taxes, Deloitte

SESSION 1: ATO'S INSIGHTS AND EMPLOYMENT TAX STRATEGIES

9.00AM – 1.15PM | 192AV03A | $395

INSIGHTS FROM THE ATO

Single Touch Payroll and the Journey so far
- Overview of STP and why it is so important
- Progress update: how we are tracking
- Our engagement approach
- What we are seeing in the data

Presented by **Tania Pellegrini**, Australian Taxation Office

Super Guarantee: The Latest Developments You MUST Know
- The Commissioner's proposed powers to issue directions to employers
- The Commissioner's enhanced ability to collect SG charge and PAYGW liabilities
- The proposed one-off 12 month amnesty to be offered to employers to self-correct historical SG non-compliance
- The proposed amendment to the SG legislation to enable employees with multiple employers to apply for employer shortfall exemptions
- Employees' rights under industrial instrument agreements to choose their super fund
- Changes to employee salary sacrifice arrangements to prohibit the reduction of employers' mandated SG contributions

Presented by **Chris Ketsakidis**, Partner, Mills Oakley

Payroll Tax: What Attracts the Revenue Office's Attention
- Discussion about the tools available to the revenue offices to identify underpayments
- Understanding the impact that the employers industry can have on revenue office targeting, e.g., industries that use contract labour
- The effect of the media: publicity focussing on underpayment of workers as an example
- The age of inter-agency collaboration: data sharing

Presented by **Andrew Hosken**, Senior Manager, Employment Taxes, KPMG

Getting Ready for FBT 2019: What are the Risks and Challenges?
- Meeting the entertainment challenge head on
- Managing the new safe harbour rules for claiming exemption on tool of trade and work-related vehicles
- The latest on FBT and car parking
- Why car parking is the FBT sleeper
- The FBT treatment for taxi expenses and Uber
- Discussion of new ATO audit strategies and compliance activities

Presented by **Paul Mather**, Director, FBT, Payroll & Salary Packaging Solutions

Expatriate Tax Overview: Tricks and Traps
- Taxation of in-bound employees and what you need to know
- Working outside of Australia and tax residency
- Managing superannuation and FBT considerations
- Use of Double Tax Agreements
- Corporate mobility programs and tax equalisation

Presented by **Ben Renshaw**, Partner, Global Expatriate Services & Employment Taxes, BDO; CTA

SESSION 2: RISKS AND LIABILITIES OF EMPLOYMENT OBLIGATIONS

2.00PM – 5.15PM | 192AV03B | $395

Underpayment of Wages and Accessorial Liability under the *Fair Work Act*: Risks for Accountants and Payroll Managers

The Fair Work Ombudsman has been increasingly relying on the accessorial liability provisions of the *Fair Work Act* to pursue individuals within an organisation in relation to underpayments of wages. This results in increased personal risk to accountants and payroll managers involved in advising on and administering pay. You will explore:
- What the accessorial liability provisions say and who they cover
- Explore recent cases and trends
- Useful guidance to ensure that accountants and payroll managers are not personally exposed to liability

Presented by **Louise Houlihan**, Managing Principal, HMB Employment Lawyers

Cyber Security and Data Breach
- Privacy recap and recent changes
- Employees' obligations to avoid data breaches: real life examples
- Practical tips for training staff on privacy
- Privacy and contractors: employer liability
- Does your client need to comply with the General Data Protection Regulation?
- What it all means for accountants and payroll managers

Presented by **Cecelia Irvine-So**, Practice Leader, Moores

Practical Tips and Traps when a Business Uses Contractors
- Examine the difference between an employee and a contractor, and why it matters
- How courts and tribunals determine whether a worker is an employee or a contractor
- What is the relevance of invoices, payslips and GST?
- What are the financial and non-financial consequences for a business when a contractor is really an employee?
- Deeming contractors as employees for workers compensation, superannuation and other revenue legislation
- Liability of third party accounting and payroll advisors and providers

Presented by **Rob Jackson**, Partner and **Victoria Comino**, Senior Associate, Rigby Cooke Lawyers

Key Considerations for Employers of Casual Employees
- The nature of casual work and employers' obligations to their casual employees
- Recent case law developments with respect to the engagement of casual employees
- Legislative responses to developments in the case law
- Practical steps employers should take now to minimise their risk with respect to the engagement of casuals and what you need to properly advise your clients

Presented by **Claire Brown**, Special Counsel, KHQ Lawyers

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COMPLIMENTARY PAST PAPERS

Past conference papers are a wealth of information at your fingertips, and every conference registration comes with all of the papers from 3 past conferences of your choosing.

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PAPER	CODE
SMSFs	
SMSF Symposium (QLD, June 2018)	CD186AQ03
PROPERTY AND TAX	
Tax Intensive for SME Advisers (VIC, June 2018)	CD186AV02
Inaugural Property Tax Conference (QLD, March 2018)	CD183AQ01
PPSA Updates, Best Practices and Strategies (QLD, March 2018)	CD183N47
Residential Property Transactions: Tax, Owners Corporations and Updates (VIC, September 2017)	CD179V02
TRUSTS, WILLS & ESTATES	
Estate Planning Symposium (NSW, March 2018)	CD183N20
3rd Annual Trusts Symposium (WA, February 2018)	CD182AW01
3rd Annual Business Succession and Estate Planning Conference (VIC, February 2018)	CD182AV02
11th Annual Wills and Estate Planning Forum (WA, March 2018)	CD183W01
BUSINESS	
Buying and Selling a Business: Legal Skills, Risks and Disputes (NSW, March 2018)	CD183N26
Business Formation, Tax Planning & Exit Strategies (QLD, June 2018)	CD186AQ01
Family Business Advisory Conference (NSW, November 2018)	CD1811AN01
Shareholder Agreements: Drafting, Tax and Disputes (NSW, March 2018)	CD183N16
Small Business Restructuring Conference (VIC, September 2018)	CD189AV01

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Exempt Current Pension Income & Segregation – Thinking Strategically (August 2018)	OND188H01
BUSINESS	
Family Business Advisory Conference (NSW, November 2018)	OND1811AN01
Business Advisory and Client Management (NSW, September 2018)	OND189AN03
Small Business Restructuring Conference (VIC, September 2018)	OND189AV01
PROPERTY AND TAX	
Business Formation, Tax Planning & Exit Strategies (NSW, June 2018)	OND186AN02
Inaugural Property Tax Conference (SA, March 2018)	OND183AS01
SMSF	
SMSF Conference (NSW, November 2018)	OND1811AN02
SMSF Symposium (NSW, June 2018)	OND186AN01
TRUSTS, WILLS AND ESTATES	
3rd Annual Trusts Symposium (NSW, February 2018)	OND182AN01
3rd Annual Business Succession and Estate Planning Conference (NSW February 2018)	OND182AN02

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Attend in Person

Conference Title	Date	Code	Std Fee	Early Bird	2+ Bookings
4th Annual Trusts Essentials	13 Feb	192AV01	$695	$595	$495
4th Annual Estate Planning Conference	14 Feb	192AV02	$695	$595	$495
Inaugural Employment Taxes and Financial Obligations Conference	15 Feb	192AV03	$695	$595	$495
Session 1: ATO's Insights and Employment Tax Strategies	15 Feb	192AV03A	$395	$345	-
Session 2: Risks and Liabilities of Employment Obligations	15 Feb	192AV03B	$395	$345	-

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Conference Title	Date	Live Online Code	Recording Code	Std Fee	Early Bird
4th Annual Trusts Essentials	18 Feb	WEB192AN01	OND192AN01	$695	$595
4th Annual Estate Planning Conference	19 Feb	WEB192AN02	OND192AN02	$695	$595
Inaugural Employment Taxes and Financial Obligations Conference	20 Feb	WEB192AN03	OND192AN03	$695	$595

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